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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,224	09/26/2002	Anthony Riordan	201-1142	9425
28395	7590	07/14/2004	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,224

Applicant(s)

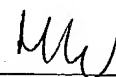
RIORDAN ET AL.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the component part container of claims 1, and the motorized truck and the plurality of trailers, of claim 12, must be shown, or the features must be canceled from the claims. No new matter may be entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the last two lines of claim 1, the limitation "whereby the dolly and its associated container are completely removed from the frame" fails to positively recite the structure of the claimed invention. The limitation is a method of use type limitation. As claim 1 is an apparatus claim, its limitations must be drawn to the structure of the apparatus, not how it is intended to be used.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

6. Claims 1-3 and 5-7, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Herubel. Herubel shows a component part container delivery rack system for use in manufacturing operations, comprising:

a component part container (2);

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at least one dolly (12) associated with and supporting the component part container, the dolly having a plurality of wheels for moveably supporting the dolly;

a frame having a front end and a back end and having at least two compartments (9₁ and 9₂) that are open on at least one side that extends between the front and back ends, the frame being supported on a plurality of wheels; and

a locking element (22) that engages one of the dollies to lock the dolly into one of the compartments when the dolly is transported by the frame, wherein each dolly is configured to be removably received in one of the compartments, whereby the dolly and its associated container are completely removed from the frame (although still on a tether 15).

The base of the frame has an E-shape (when the locks 22 on one side are both down) as recited in claim 2. The locking element (22) is a manually pivoted lever, as recited in claims 3 and 5. Elements (16 and its ramp 19) guide and lift the dollies into and out of the frame, as recited in claims 6 and 7.

7. Claim 4, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Herubel in view of Oslin et al. Herubel shows the basic claimed part delivery system which has a vehicle (1) delivering a pair of dollies (12) as detailed above. It varies from claim 4 by not having its locks (22 or 25) with actuators as to be automatically engaged. Oslin et al shows a similar cart delivery system with automatic locks (100). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Herubel by substituting automatically engaging locks for the locks 22 or 25, as to have the locks engaging as the dollies (12) move into the vehicle, as taught by Oslin et al.

8. Claim 8, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Herubel in view of Pinder. Herubel shows the basic claimed part delivery system which has a vehicle (1) delivering a pair of dollies (12) as detailed above. It varies from claim 8 by having its lifting means (19) formed as a ramp, not as lifting rollers. Pinder shows a similar cart carrying device with rollers (30A and 30B) formed to lift its load. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Herubel by using rollers for the ramp, to smoothly lift the load, as taught by Pinder.

9. Claim 9, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Herubel in view of Pinder, as applied above to claim 8, and further in view of Gruber. Herubel shows the basic claimed part delivery system which has a vehicle (1) delivering a pair of dollies (12) as detailed above. It varies from claim 9 by not showing the details of the dollies, as to have them formed of a polymeric material. Gruber shows a similar container with a lower supporting dolly which have constructions such as the undersurface of honeycomb material which indicate that they are made of polymeric materials. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Herubel by forming the dollies of a polymeric material, as to have the strong and lightweight, as suggested and rendered obvious by Gruber.

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10. Claim 10, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Herubel in view of Gruber. Herubel shows the basic claimed part delivery system which has a vehicle (1) delivering a pair of dollies (12) as detailed above. It varies from claim 10 by not showing the details of the dollies, as to have them formed with recesses for stacking. Gruber shows a similar container with a lower supporting dolly. The dolly has recesses (19) for stacking. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Herubel by forming the dollies with upper recesses, for having them nesting together when not carrying an upper container, as taught by Gruber.

11. Claim 11, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Herubel in view of Gruber. Herubel shows the basic claimed part delivery system which has a vehicle (1) delivering a pair of dollies (12) as detailed above. It varies from claim 11 by not showing the details of the dollies, as to have them formed with an undersurface with a honeycomb reinforcement. Gruber shows a similar container with a lower supporting dolly with a honeycomb undersurface, see figure 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Herubel by forming the dollies of a lightweight material with honeycomb reinforcing, as taught by Gruber.

12. Claims 12, 13, 15, and 18, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilbert et al. Gilbert et al the basic claimed method of stocking a work station using a motorized truck having a towing adapter and a plurality of trailers having wheels that are provided with a towing hook and a hook receiver respectively on one of a front end or a back end, each trailer having two sides extending between the front and back ends, the trailers being accessible from at least one of the two sides to load a plurality of platforms (33) having wheels onto the trailers for transporting a plurality of wheeled platforms on the trailers, the method comprising:

loading a first set of wheeled platforms (33) loaded with a plurality of parts onto the trailers from the side;

transporting the trailers with the first set of wheeled platforms and parts carried thereby to the production line;

unloading the first set of wheeled platforms one at a time from the side of the trailers.

Gilbert et al varies from claim 12 as it does not specify that a second set of platforms that are empty is taken from each work site after the full set is left. However this would have been an obvious design expedient within the level of routine skill in the art at the time the invention was made by applicant. Maintaining the trailers attached together while the platforms are loaded and unloaded, as recited in claim 13, would also have been an obvious method of using Gilbert et al. Gilbert et al raises the platform wheels off the floor, as recited in claims 15 and 18.

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13. Claims 1-3, 5-7, 16, and 17, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilbert et al in view of Herubel. Gilbert et al shows the basic claimed part delivery system which has a trailer delivering a pair of wheeled platforms (33) as detailed above. It varies from the claims by not having manually engaged locks. Herubel shows a similar cart delivery system with manual locks (22 or 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Gilbert et al by providing it with locks, to maintain the platforms in place during transit, as taught by Herubel.

14. Claims 1-4, 6, 7, 16, 17, 19 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilbert et al in view of Oslin et al. Gilbert et al shows the basic claimed part delivery system which has a trailer delivering a pair of wheeled platforms (33), as detailed above. It varies from the claims by not having automatically engaged locks. Oslin et al shows a similar cart delivery system with automatic locks (100). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Gilbert et al by providing it with automatically engaging locks, to maintain the platforms in place during transit, as taught by Oslin et al.

15. Claims 8 and 22, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilbert et al in view of Oslin et al, as applied above to claims 6 and 19, and further in view of Pinder. Gilbert et al shows the basic claimed parts delivery system, but varies from claim 22 by using a hydraulic lifting system instead of lifting rollers. Pinder shows a similar cart carrying device with rollers (30A and 30B) formed to lift its load. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Gilbert et al by using rollers as the lifting arrangement, to smoothly lift the load without hydraulic actuators, as taught by Pinder.

16. Claim 9, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilbert et al in view of Oslin et al and Pinder, as applied above to claim 8, and further in view of Gruber. Gilbert et al, as modified, shows the basic claimed part delivery system, but varies from claim 9 by not showing the details of the dollies, as to have them formed of a polymeric material. Gruber shows a similar container with a lower supporting dolly which have constructions such as the undersurface of honeycomb material which indicate that they are made of polymeric materials. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Gilbert et al by forming the dollies of a polymeric material, as to have the strong and lightweight, as suggested and rendered obvious by Gruber.

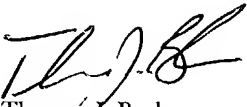
17. Claim 10, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilbert et al in view of Oslin et al, and further in view of Gruber. Gilbert et al, as modified, shows the basic claimed part delivery system, but varies from claim 10 by not showing the details of the dollies, as to have them formed with

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recesses for stacking. Gruber shows a similar container with a lower supporting dolly. The dolly has recesses (19) for stacking. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Gilbert et al by forming the dollies with upper recesses, for having them nesting together when not carrying an upper container, as taught by Gruber.

18. Claim 11, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilbert et al in view of Oslin et al, and further in view of Gruber. Gilbert et al, as modified, shows the basic claimed part delivery system which has a vehicle (1) delivering a pair of dollies (12) as detailed above. It varies from claim 11 by not showing the details of the dollies, as to have them formed with an undersurface with a honeycomb reinforcement. Gruber shows a similar container with a lower supporting dolly with a honeycomb undersurface, see figure 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the part delivery system of Gilbert et al by forming the dollies of a lightweight material with honeycomb reinforcing, as taught by Gruber.

19. Applicant argues in the amendment filed March 31, 2004 that the reference of Herubel does not have the containers removed from the racks as the umbilical cord is still attached. However, once the containers exit the side of the frame they are removed therefrom. Being connected by the cord does not detract from the fact that the have been removed, and are now off to the side of the frame. Applicant's remaining remarks in the amendment have been considered, but are deemed moot in view of the above new rejections. An inquiry concerning this communication should be directed to Thomas J. Brahan at telephone number (703) 308-2568. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for all patent applications is (703) 872-9306.

 7/11/04
Thomas J. Brahan
Primary Examiner
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